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HUMAN RIGHTS COMMITTEE
Sixty-eighth session

LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE SECOND PERIODIC REPORT OF THE REPUBLIC OF THE CONGO (CCPR/C/63/Add.5)

Adopted by the Human Rights Committee on 4 November 1999

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please provide information about the transitional period which began in October 1997 and about the process expected to lead to the establishment of a new constitution and the organization of general elections, both presidential and legislative.

2. What is the status of the Covenant in Congolese law? Can it be invoked before the courts? Is it applied by the courts? Please give actual examples.

3. Is there an independent mechanism for monitoring human rights violations and for considering complaints? Is the Congolese Human Rights Observatory being prevented from carrying out its activities, as is often claimed, and if so why?

4. Please provide information about awareness-raising and training activities aimed at making public officials, teachers, judges, lawyers, members of the police and armed forces and others familiar with the Covenant.

5. Please provide information on how the enjoyment of the rights under the Covenant have been affected by the operation of private militias and by foreign armed intervention.

Right to life; disappearances; treatment of persons and prisoners; right to liberty and security of person (arts. 6, 7, 9, 10 and 16)

6. What legal and practical measures are being taken to prevent human rights violations by the security forces, including both the national and foreign armed forces, and by the militias, particularly in the form of extra-judicial killings, disappearances, abductions, torture, arbitrary detention and acts of rape. Has the State party conducted or does it intend to conduct inquiries and bring the perpetrators of such crimes to justice? Please provide any relevant details in this regard.

7. Please give details concerning the present conditions of detention in prisons and other places of detention, including private detention centres. What measures are being considered by the State party to comply with the Standard Minimum Rules for the Treatment of Prisoners?

Gender equality and the principle of non-discrimination (arts. 3 and 26)

8. (a) What measures have been taken by the State party to eliminate all forms of discrimination against women?

(b) What measures have been taken or are being considered by the State party to combat abuses of all kinds against women, including violence in the home and acts of rape, especially those committed by the armed forces and the militias? What remedies are available to the victims?

(c) What measures are being considered by the State party to promote the participation of women in the country's political, economic and social life? Please provide percentages.

Right to liberty of movement (art. 12)

9. (a) Please supply information concerning population displacements and means of protecting displaced persons, particularly in Brazzaville and Pointe Noire.

(b) Please also supply information regarding the conditions for the return of refugees to their own country.

Right to a fair hearing (art. 14)

10. What practical ways and means are being considered by the State party to ensure the effective independence of the judiciary and to guard against any interference, including political interference, in the administration of justice? Please provide details concerning real guarantees of the status of judges.

11. Under what conditions may the secrecy of correspondence be waived? What is the common practice in this respect? Please indicate whether telephones are still tapped and, if so, to what extent.

Right to freedom of expression and assembly (arts. 19 and 21)

12. What practical measures are being considered by the State party to guarantee freedom of assembly and freedom of expression, including freedom of the press, and to protect journalists from pressure and intimidation?

Protection of childhood (art. 24)

13. What are the regulations and mechanisms for protecting children, especially abandoned children and, more generally, those in vulnerable situations?

14. Please provide information on the enrolment and involvement of children in private militia.

Right to equality and non-discrimination; right of persons belonging to minorities (arts. 8, 26 and 27)

15. Please comment on the status of ethnic groups, especially the Pygmy population, which is reportedly marginalized in respect of health care and employment and still subject to a system of slavery.